

SEAL Project Evaluation 2006

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SEAL Project Evaluation

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PART I. Democratic Development in Afghanistan

1. Peace and Security

Today's Afghanistan is very different not only from the Afghanistan of the sixties but also from the early years of the 21st century. Following the 1964 Constitution, Afghanistan was recognized as a democratic monarchy. Under the 1964 Constitution, the state was provided with three branches of government that in turn were balanced against each other on the basis of the principle of check and balance. However, that system was doomed to fail because the main elements that could have completed the democratic process were missing from the Constitution. To begin with, the King was recognized as the Head of State without being responsible for his constitutional decisions. The King had the power to appoint or dismiss the Prime Minister while the latter had no political party or a loyal majority in the parliament. Thus the Prime Minister was made a helpless buffer between the King and the Parliament, and the first political victim whenever relations soured between these two powerful institutions. The result was political instability that in turn resulted in two coups of 1973 and 1978, foreign occupation (1979-1989), domestic anarchy (1992-1996) and a theocratic totalitarianism between 1996 and the Bonn Agreement, 2001.

The period following the Bonn Agreement could be divided into two main historical periods. The first was the making and renewing of Afghan political institutions and infrastructure. This phase came to an end, and the second period began, with the introduction of the present democratic Constitution and the Presidential, Parliamentary and Provincial Council election. Political parties were legally recognized, and the political and cultural landscape was enriched by the emergence of a free press, hundreds of civil societies and free national debate. Thus the Afghanistan of today has a much more democratic and progressive system than that of the sixties. It has passed the phase of institution-making and has entered the phase of implementing plans for the democratization and economic and social development of the country through joint efforts of the Executive, Legislature and the people of Afghanistan.

However, while the country is going through the phase of nation-building and democratization, two heinous enemies are threatening the very fabric of the social and political body and soul of the country: These two enemies are terrorism as the enemy of peace and security, and corruption that can result in the failure of any short-term and long-term plans and strategies for ensuring economic development and attracting foreign investment.

Therefore, in order for the Afghan Parliament to emerge as a viable, reliable and respectable institution in shaping the national life of the Afghan people and thus enhance its Capacity Building in the real sense of the term, it should keep the following main principles in mind:

A. Equality in Responsibility

The Afghan Parliament must perform its constitutional responsibilities with a sense of mission and vision. It must nourish in itself the capacity to feel responsible for what goes wrong in the country and to assert its authority on those in or out of the government who do not achieve what they are supposed to achieve for ensuring peace and security and above all stability in the country. The Parliament is equipped with all those necessary Constitutional powers that are needed to make necessary laws and then to make sure that they are implemented. Maintaining peace, security and stability of the country is not the responsibility of the Executive only. On the contrary the Parliament, because of its power to make laws and the power of oversight, has the responsibility to see to it that the problems of the nation are addressed and the right solutions are designed for them.

B. The Rule of Law

Parliament should never be under the illusion that its only task is to make laws and not be concerned with the responsibility of seeing that the laws are implemented. It should never let laws be broken because breaking the law is the phase first of corruption. Parliament has a rather unique role in combating corruption in the sense that is the only institution that could keep an eye on the deeds of the cabinet and even the Head of State. In order for the parliament to build its capacity, it should make combating corruption its priority number one.

2. Constitutional Provisions For Capacity Building

In order to enhance the capacity of the Afghan parliament focus should be centered on the foundation provided by the Constitution, and particularly its *articles that define the status, scope and limits of the powers of Parliament in general and in its relationship with the Executive branch of the government.*

Unlike the Parliament of the Constitution of 1964 in which the powers of Parliament were considerably restrained by the powers of the King and the non-recognition of political parties in the Parliament, the present parliament has been equipped with additional powers that are unprecedented in the constitutional history of Afghanistan. For instance, articles 64, 75, 77, 88, 89,93, 103, 117 and several others give such powers to parliament that would enable it to interact with the executive from a position of strength. Under the present constitution the hereditary position of the King is replaced by an elected President. Naturally, an elected President needs the full cooperation and understanding of the Parliament both for the implementation of his agendas and policies in domestic and foreign affairs as well as his present political survival and forthcoming election. Unlike the King, the President does not have the power to dissolve the Parliament. On the contrary it is the Parliament that according to Article 69 could impeach the President. Moreover, because of its possession of oversight power, both the President and the Executive have to treat the parliament with constitutional dignity and as an equal partner rather than a rubberstamp that is supposed to approve whatever the Executive wants to propose.

Of course, to date this parliament like its Afghan ancestors is not organized on the basis of political parties, but this situation seems to be transitional and not likely to

continue. The demand for the presence of political parties in parliament is gaining ever increasing vigor despite the fact that as a temporary remedy it has developed an system of the so-called 'parliamentary groups,' initially introduced as 'political groups.' Moreover, the formation of various standing committees in the Lower House and in the Senate, among other advantages has the effect of pluralizing the centers of power and thus immunizing individual parliamentarians against political and unfair pressure being asserted on them by the Executive.

The purpose of saying what has been stated above is to highlight the fact that under the present Afghan constitution, the parliament has all the necessary powers needed for functioning as a legislative branch of the government that could provide a real effective system of check and balance in the democratic process. However, as was seen in the first working period of the present parliament, the members sometimes failed to deal with the parliamentary business with the kind of speed, vigor and cohesion that is going to be required of it in the future. It should be mentioned with pride, however, that in its first legislative period, Parliament handled the issue of voting confidence to the members of cabinet and the leadership of the Judiciary, as well as the issue of reviewing the annual budget with a considerable sense of parliamentary responsibility. It is obvious that the SEAL's programs of training and workshops has helped produce a rather useful and positive result in so far as performance by the parliamentary freshmen and women were concerned. However, an impartial observer could not fail to notice at times a lack of cohesion, craftsmanship and discipline that are essential for conducting a parliamentary business of this magnitude and importance. The absence of political parties and their whips might be seen as part of the problem.

Professor M. Musa Maroofi

PART II: Results Assessment

1. Background

Following the Bonn Agreement signed in December of 2001 and the convening of the Emergency Loya Jirga, agreement was reached to establish an interim executive for a period of two years, at the end of which presidential and parliamentary elections were to take place. In January of 2004, the Constitutional Loya Jirga adopted a new Constitution for Afghanistan which formally provided for the establishment of a bicameral parliament composed of Wolesi Jirga (House of the People or Lower House) and the Meshrano Jirga (House of Elders, Upper House, or Senate).

Prior to the drafting of the SEAL project document in October of 2004 parliament had not been mentioned in the national priority projects identified and drafted in October 2002, nor in a new document on the same subject released in July 2004¹. Under the 'national infrastructure of governance' framework, the executive and its capacity-building needs were prioritized.

A UNDP preparatory assessment mission, the 'National Representation Capacity Building Preparatory Assistance Project', supported by France, was fielded from 20 October – 14 November 2004. The mission report noted that there was an urgent need to assist the Government of Afghanistan in establishing a functioning parliamentary secretariat to support the activities of newly elected parliamentarians following parliamentary elections. A wide scope of areas was reviewed by the mission and the following recommendations made:

- Parliament must have the necessary legal and technical capacity to review legislation in a wide range of areas, with a group of professional staff able to provide institutional stability. A draft Parliament Secretariat Organigram was proposed.
- A well designed and effectively managed human resource strategy was required with training undertaken and designed unique to parliamentary needs. Following parliamentary elections, members would also likely require comprehensive orientation and training. Specialized focus on women parliamentarians was needed.
- Parliamentary support should be grounded in a general national civic education programme.
- Equipment and ICT support was critical.
- A full set of Rules of Procedures/Standing Orders needed to be drafted on a priority basis, in addition to Rules of Privilege and regulations concerning the status of Parliamentary staff.
- Political party development should be encouraged. In the absence of strong political parties, a political group system would enhance capacity to deal with issues of common political interest in plenary or committee meetings.

¹ The project document was drafted by international experts, including the IPU.

The project ‘Support to the Establishment of the Afghan Legislature (SEAL), based on the 2004 mission findings, was launched in February of 2005. The project duration was for two years, concluding in February 2007. The project is a multi-donor initiative and was budgeted at \$15,501,906, almost all of which had been mobilized by mid-2006. This evaluation of the SEAL project is envisaged in the original SEAL document, consistent with UNDP operational practices, and development management best practice. The evaluation seeks to assess the progress of the SEAL project towards meeting its goals and objectives, as well as provide recommendations for the content of future parliamentary development activities. The evaluation terms of reference are included as Appendix Four.

2. Scope of SEAL Project

The activities of the project were to be implemented and prioritized in two phases;

Phase I: To continue until the establishment of parliament (approximately 6 months). SEAL would ensure that the minimum requirements in terms of human resources, equipment, systems and institutional arrangements, as well as administrative support be in place for the initial functioning of parliament.

Phase II would begin after the establishment of parliament (in fact, this occurred several months later than anticipated, on December 19, 2005), and would continue for an approximate duration of 18 months until February 2007. In Phase II SEAL would continue to build capacity of the Secretariats and their staff but expand focus to the new members of parliament, in addition to ensuring that infrastructure and equipment is maintained until full renovation of the interim parliament building.

3. Objectives, Outcomes, Outputs and Activities

The primary objective of SEAL is to ‘*ensure the timely establishment of the Afghan Parliament and support to its functioning*’. The intended overall outcome of the project is ‘*the establishment of a fully operational and efficient parliament recognized by all the people of Afghanistan as their representative institution, accountable and transparent, and that will be the interface between the citizen and government*’.

The project identified 7 expected outputs:

1. Effective coordination and programming mechanism of support to the parliament established--with the indicator of ‘no duplication of gaps in the parliamentary support activities’.
2. Administrative and technical staff, as well as members of the parliament fully trained and functional—indicated by ‘basic functions of parliament are operational’.
3. Necessary legal and institutional environment in place to enable the first session of the parliament—indicated by ‘key documents including rules of procedures for both houses, privileges act and staff act drafted and promulgated
4. Information services and information and communication technologies set up to provide timely assistance to members, the staff, the media and the public—

indicated by ‘IT equipment and networks established, functioning and accessible to users’.

5. Effective public information, awareness and parliament outreach strategy designed and implemented—indicated by ‘increased media coverage and public debates/discussions on parliamentary affairs’
6. Parliament setting up and basic running cost met during its first year of activity—indicated by ‘basic equipment procured and operational’.
7. Management Team fully operational throughout the activity—indicated by full project team recruited and engaged in implementation of project activities’.

4. Assessment of Results

a. Overall Assessment

The project document was clearly articulated and included a results and resources framework conforming to UNDP standards. The project design took into account the results of prior needs assessment, and outlined the rationale for intervention and objectives and outputs on which focus should be directed. The segmenting and sequencing of phases, with the first phase to focus on building up the capacity of the Secretariat during the six months, was well-conceived. It is clear that the pressing needs of the parliamentary institution and of the Members of Parliament were central to the project design.

At the same time the Evaluation Team found the original project document somewhat over-ambitious in its expectations, particularly given the zero baseline and the relatively short time frame of two years in which stated results were to be achieved. The seven outputs, 20 sub-outputs and a total of 138 related activities set a very high bar for project execution. At the same time, of course, the zero baseline and the political context prevailing in the country meant that a large and ambitious project was required to help launch the legislative arm of the Afghanistan governance system.

Given the acknowledgement that the bar set for results and achievement were indeed high, and that risks of failure were considerable, the Evaluation Team concludes that the project has been remarkably successful. Prior to the inauguration of the new parliament on December 19, 2005, a genuine parliament had not convened in Afghanistan in 33 years. Against this backdrop, and in addition given the difficult political and security contexts prevailing in the country for many years, including the past two years, the project has achieved a great deal during approximately 18 months of formal implementation.

Most stakeholders and direct beneficiaries interviewed by the Evaluation Team endorsed this overall positive assessment, although as is normal in any large project, some stakeholders identified specific concerns regarding aspects of the project. Secretariat Staff, including the Acting Secretary-General of the Wolesi Jirga, and the Secretary-General of the Meshrano Jirga and his deputy, have expressed deep appreciation to UNDP and the project’s donors for their support in setting up the Secretariats, first with the necessary infrastructure including all audio-visual equipment, ICT equipment, furniture and other hardware essentials. Secretariat managers acknowledged that the capacity building training for staff coordinated by

the project had been indispensable, noting also that the resource persons for such trainings, including UNDP project staff, have been excellent. The point was made that 'UNDP is always around to assist'. The parliamentary staff interviewed credited the project's key role in enabling the historic achievement of the re-establishment of Afghanistan's parliament after a gap of 33 years. The primary objective of Phase I was thus achieved when parliament was inaugurated on December 19th 2005.

The Evaluation Team also notes that the overall stated outcome of the project '*the establishment of a fully operational and efficient parliament recognized by all the people of Afghanistan as their representative institution, accountable and transparent, and that will be the interface between the citizen and government*, is still many years away from being successfully reached. Indeed, it would not have been realistic to imagine that after only two years, Afghanistan's parliament would have reached a level of public acceptance that is present in few developed countries. While parliament has been inaugurated, has had a sitting session, and Secretariats are established and functioning, parliament is not yet fully efficient, accountable, representative, or transparent. Many members of Afghan society remain skeptical about parliament, and indeed, all three branches of the Afghan state. Donors and other stakeholders must maintain the necessary financial and technical support to parliamentary development to ensure that the legislature continues to develop into a fully functional and effective institution.

b. Assessment of the Specific Outputs

Output 1: Effective coordination and programming mechanism of support to the parliament established

The project document called for the establishment of a taskforce to provide oversight and direction, and regular re-evaluation of priorities and activities to ensure timely implementation of activities and achievement of outputs. The taskforce was to include participation of Parliament, Government (Civil Service Commission; relevant government entities, e.g. cabinet secretariat, Ministry of Finance, Ministry of Communications, the United Nations Agencies, the Lead Nation for Parliamentary Support (France) and other donors.

Since inauguration the President of the Wolesi Jirga has convened two meetings of the Taskforce. Prior to inauguration the UN Deputy Special Representative of the Secretary General (DSRSG) convened a meeting of the Taskforce. By all accounts, these meetings of high-level officials have been useful. However, regular meetings have not continued in 2006 and the Evaluation Team recommends that regular quarterly meetings be recommenced to permit high-level discussions at the policy and political level. In a future phase of the project representation of the Executive could be revisited to ensure the formal autonomy of the legislative and executive branches, although a continuing liaison can be beneficial in leveraging support for parliamentary development, particularly in capital projects.

Although not specified in the project document, in addition to the Taskforce, a Working Group was created before the start of the project, consisting of parliamentary officials, the SEAL project team, program-level donor representatives, and other parliamentary development partners including UNIFEM and State University of New

York. This Working Group initially met on a weekly basis, and since February 2006, every two weeks, to discuss progress, future activities, and other issues of mutual interest.

Some of the donor representatives expressed concerns about the Working Group experience, noting among other points that the meetings were insufficiently strategic and tended to focus on day-to-day project reporting which may not have been a good use of participants' time. The weekly meetings may have been too frequent, and indeed were reduced to every two weeks. The evaluators concluded that the Working Group meetings should not focus on SEAL's internal project management. Monthly meetings might be more sustainable, and would encourage a focus on broader coordination issues. Improving the functioning of the Working Group, especially to strengthen coordination, is a key project priority in the short and longer-term.

Output 2: Administrative and technical staff, as well as members of the parliament fully trained and functional

This output was the most ambitious and difficult in terms of scope and activities. In terms of Capacity Building both before and after inauguration of parliament, the project has successfully undertaken and completed a number of staff and MP trainings on various issues, sponsored and facilitated study tours and attachments with foreign parliaments in conjunction with donor partners, and held seminars and organized advocacy events. In total approximately 500 Secretariat Staff and 300 MPs have received various forms of training and capacity-building experiences.

Examples of training include:

For Secretariat Staff:

- ❖ Intensive 4 week training of 123 newly recruited staff
- ❖ Specialized ICT process training on server and network management and configuration
- ❖ English-language training
- ❖ Attachments for 152 Secretariat members to different parliaments including Australia, France, Germany, India, Indonesia, Italy, Morocco, Netherlands, Sri Lanka, and Turkey
- ❖ National seminar on parliamentary processes and best practices
- ❖ Trainings on parliamentary minute-taking and record-keeping
- ❖ Training programme for members' personal assistants
- ❖ Specialized trainings on protocol for International Relations Department, on working in standing committees, on relations with media for Public Information department, and on training on legislative processes: rules and flowcharts

- ❖ Specialized study tours to the U.K on work of Budget, Finance and Public Accounts Committees, to Canada on legislative processes, to E-Governance Academy in Estonia.

For Members:

- ❖ Orientation programme and needs assessment for members' capacity building
- ❖ Budget process and approval of state budget in Parliament: interactive working session with members of the Budget, Finance and Public Accounts committee of Meshrano Jirga
- ❖ Chairmanship of plenary and committees meetings: working session with members of Administrative Board and Presidents of all Standing committees of Meshrano Jirga
- ❖ Evaluation meeting for women MPs, resulting in recommendations for action plan
- ❖ Specialized study tour of 8 parliamentarians to E-Governance Academy, Estonia (10-17 June),
- ❖ Study tour of 5 member delegation to Japan, headed by the 1st deputy of the Meshrano Jirga
- ❖ Study tour of 8 member delegation to Lithuania, headed by 2nd Secretary of the Wolesi Jirga
- ❖ Participation of the 1st Deputy President of Meshrano Jirga in working sessions on Parliamentary Support for Iraq (coordinated with UNDP Iraq and IPU)
- ❖ Implementation of the comprehensive training programme of Wolesi Jirga (ongoing)

The project has also supported capacity-building activities on the critical link between parliament and the executive, through activities involving senior officials in various ministries, as well as an international conference on legislature-executive relations

Staff and MPs indicated full satisfaction with the training received. Given the short time frame and start-up constraints, members of the SEAL project team responded positively to the comprehensive requests of the MPs and Secretariat, and indeed encouraged and generated demand for such training where project staff viewed it as necessary.

Several key training activities remain to be completed and full execution of planned activities may not be possible before the scheduled end of the project in February 2007. Trainings have sometimes had to be cancelled at short notice, or there have been difficulties in replication. Understandably, as well, the depth of training has sometimes been rudimentary, a reflection of low experience baselines among MPs and staff.

It is critical for SEAL project sustainability that a comprehensive plan of further training activities be developed and implemented, thus ensuring greater regularity and

rationalization of trainings, with appropriate sequencing and development of an accompanying portfolio of permanent resource materials and training modules. While a training sequence (needs assessment) submitted by the parliament has recently been accepted by UNDP and other partners for 2006, a comprehensive plan still needs to be developed to cover the next 12-24 months. This will of course require greater coordination between the SEAL project and the two houses' Secretariats and MPs, and should be undertaken as soon as possible.

The issue of longer-term expert staffing also needs revisiting. Training has to date been undertaken by SEAL project staff (e.g. legislative expert, ICT, public outreach, as well as the Senior Consultant attached to the project), as well as by short-term external expertise. MPs and staff interviewed were satisfied by the quality of this training. However, MPs indicated that they would prefer to see the more consistent presence of expert training and consultant staff in the parliamentary precinct itself, a perspective shared by the Evaluation Team. The parliamentary leadership and Secretariat would need to find office space for these international expert consultants.

Finally, there have been discussions regarding establishment of a permanent parliamentary training institute. Ministries benefit from training facilities provided through the Civil Service Commission; others have dedicated training institutions, for example, the Diplomatic Institute of the Ministry of Foreign Affairs. It would be preferable for Parliament, with initial support from the SEAL project, to establish such a facility, permanently staffed with national trainers as part of the overall capacity building objectives of this institution. Many parliaments around the globe have training facilities that are distinct from those established for other civil servants. UNDP is considering support to the establishment of an Afghan Capacity Development Facility, which may be able to work in conjunction with a parliamentary training institute.

Output 3: Necessary legal and institutional environment in place to enable the first session of the parliament

The output as outlined in the project document calls for a) drafting of provisional rules of procedures, legislation governing members' privileges, and code of conduct for both houses, and a statute governing parliamentary staff, and b) putting in place institutional mechanisms for coordination between the national parliament and relevant ministries such as Taqin (Ministry of Justice).

The primary and most significant achievement within this area was the drafting and subsequent adoption with minor amendments² of the Rules of Procedures/Standing Orders, supported by the SEAL project in conjunction with other international development partners, particularly France.

The project has also assisted through the contracting of experts in the drafting of Staff Regulations and a Code of Conduct for Parliamentarians. A position paper on Members Privileges and Entitlements was also prepared, influencing the initial package of financial benefits of the incoming Members of Parliament. The adoption

² The Meshrano Jirga has approved a permanent set of Standing Orders, while the Wolesi Jirga approved interim Standing Orders.

of Staff Regulations, and discussion and debate on the Code of Conduct and Privileges Act would be critical achievements in the coming months and would be encouraged by the Evaluation Team. However the adoption of Staff Regulations is dependent on a decision regarding the establishment of an independent Parliamentary Civil Service, generally considered desirable from the perspective of parliament's institutional independence.

Legislative-Executive relations have also been part of a more recent focus of the project. This is an important intervention that straddles project outputs two and three. As noted above, an International Conference on Effective Executive-Legislative Relations was held in the 2nd Quarter of 2006 bringing together the executive branch, and the Upper House. Discussion focused on issues including the electoral system and different suggestions for change. Partly as a result of these discussions the Independent Electoral Commission is now drafting a position paper to be submitted, first to the Ministry of Justice and then to Parliament for consideration. A new electoral law would include changes to the representational framework—possibly from SNTV (Single Non Transferable Vote) to Proportional Representation, or a hybrid mixed system. Most stakeholders consulted by the Evaluation Team felt that the disadvantages of SNTV outweigh its advantages. Electoral law is an important democratic policy issue and the SEAL project needs to be prepared to be fully engaged in building capacity within the parliament to debate the bill when it appears before them, probably later this year.

Corruption was also identified as a major problem in the Executive-Legislative Relations seminar. MPs requested support in this area. A component on transparency and accountability should be added to the existing phase and continued in successor projects.

To date, output in the area of legislative – executive relations and executive oversight has been relatively modest. The Evaluation Team believes there is room for considerable expansion of activities. While training on legislative processes for all staff has been undertaken with the legislative department of both houses, more in-depth training and capacity development is required if parliament is to truly exercise its constitutional responsibilities as a watchdog and countervailing institution of government.

Output 4: Information Services and Communication Technologies set up to provide timely assistance to members, the staff, the media and the public.

The success story of the Afghan parliament's inauguration is linked to the ICT infrastructure (hardware and software) that has been set up in Parliament with substantial support from the SEAL project. Informants interviewed by the Evaluation Team described the Afghan Parliament as having 'state of the art' computer infrastructure and services, comparable with parliaments in developed countries and superior to most parliaments in Asia.

The installed equipment has been accompanied with on the job staff training, in addition to several overseas study visits to corresponding Parliamentary Departments in the Netherlands and in the U.K as well as to the E-Governance Center in Estonia. A parliamentary website has also been implemented, although content needs to be

upgraded to include, for example, records of parliamentary proceedings, and a system introduced for regular updating.

In the framework of co-operation with the IPU, SEAL fielded an expert from the Belgian Parliament who has undertaken several training missions to the Afghan Parliament focusing on the Minutes and Records department. Software has been provided for the Hansard department of the Afghan National Assembly to enable professional minute taking and record keeping.

Along with the Capacity Building Component, the ICT component has been the most ambitious of the five major components of the project. The project has achieved considerable success in putting the equipment in place. Nonetheless, ICT services face a major challenge because of difficulty recruiting and retaining parliamentary staff to operate the system. As in other state services, salaries offered in the civil service grid for technically skilled staff are not competitive with the private sector, and most significantly with the very large international development community in Afghanistan. Tools need to be found to resolve this problem. A related difficulty is encountered in implementing a sequenced training plan for all staff and members. Long-term sustainability of the SEAL project's infrastructure investments requires efforts to identify and implement innovative solutions to these problems. One step currently being taken to address the staffing issue is the placement of an Afghan national ICT consultant in the parliamentary precinct. This approach may be considered in other areas of Secretariat staffing weaknesses.

Concerns were raised regarding delays in procurement of equipment, an issue acknowledged by the project team. UNDP's procurement protocols can be cumbersome, and there were capacity issues at both the project and country office level, as well as the usual difficulties encountered doing business in a challenging environment such as exists in Afghanistan. However, given the large sums involved and the necessity of accountability to project donors, the evaluators also underline the necessity to respect fiduciary safeguards in procurements even where this may slow down the acquisition process. The project team should be commended for its efforts in ensuring that all equipment was in place in time for the inauguration. A six month delay in readying the building for inauguration meant that the team had only about two months to put in all systems, cables, and equipment, a deadline that they managed to meet.

There is sometimes lack of clarity within the Secretariat as to the respective roles of the ICT and Administrative Departments in ICT policy implementation. There were suggestions that at times this resulted in ad-hoc or 'politicized' distribution and procurement of equipment.

Output 4.1.2 focusing on the library, archives and research centre is an important near-term focus area. The Evaluation Team recommends that priority is given to fully implementing these plans.

Output 5: Effective public information, awareness and parliament outreach strategy designed and implemented

The public outreach component has been the slowest to get underway. Recruitment difficulties resulted in the technical advisor position being filled only in February 2006. Nevertheless some good results have taken place in just five months.

The first activity mounted was a course in Parliamentary Reporting given to journalists accredited to the National Assembly and to staff of the Departments of Information and Public Relations of both houses. 50 journalists and 20 staff participated. Requests for additional training were made, and the Evaluation Team recommends further training be included as part of the comprehensive training programme envisioned. SEAL has set up a database of accredited journalists (99 in all attached to the Parliament). A directory of parliamentarians (including photos) has been established. Journalists spoke positively of their relationship with the Department of Public Information.

Despite the media training and accreditation that has already taken place, there is considerable scope for more comprehensive engagement of the Afghan media in parliamentary affairs. More media training is encouraged, but beyond the training, the project can assist development of a professional parliamentary press corps which will serve parliament and Afghan democracy through enlightened coverage of parliament's role in fostering development. The SEAL project's links with Afghan media are not currently strong enough, and national and international project staff need to work together with the media to develop genuine engagement and to support the positive work being carried out by parliament's Public Information department. It will be important to involve experienced international parliamentary media in future programming.

Engagement with civil society is another area where further emphasis is required. Two meetings have been organized including civil society groups and the Independent Human Rights Commission; in coordination with the Committee for Women, Civil Society and Human Rights of the Upper and Lower Houses. The project team could assist the Committees to develop a plan of action for engagement with civil society groups during 2006 and beyond.

SEAL has also supported the Secretariat to arrange visits to the National Assembly by schoolchildren and university students. Discussions have begun on developing a Youth Parliament under Parliament's auspices and supported by SEAL. These are important areas of civic education and should be institutionalized. Public information materials on the role of parliament can also be developed.

The project has also facilitated and funded constituency meetings between MPs and their constituents at the provincial level, in conjunction with the Secretariat. Ten provinces have been targeted. This is an important program and efforts should be made to ensure that these activities are institutionalized and that they are systematically covered by local and national media.

Output 6: Parliament setting up and basic running cost met during its first year of activity

The successful inauguration of Parliament on December 19 2005 and its continued growth and development demonstrate that this output is in the process of being fully

achieved. In the initial phase before inauguration, as the modalities of national budget allocation to parliament were being established, the SEAL project covered some basic staffing and other expenditures, but these continuing expenditures are now fully accommodated within the national budget. The government of Afghanistan has invested substantial resources in refurbishing the parliamentary precinct and buildings, so that although the current facility is temporary, it will serve parliament and Afghanistan well in the years before a new custom-built structure is completed.

Output 7: Management Team fully operational throughout the activity

Staffing

The SEAL project became fully operational by the end of February 2006 with the Public Outreach technical advisor coming on board. The project staffing requirements call for:

- a) Project manager;
- b) Three technical advisors charged with the components on ICT, CB, and Parliament Outreach;
- c) One evaluation and reporting officer;
- d) Three national programme officers attached to the technical advisors and one national programme officer acting independently of a Technical Advisor;
- e) One engineer;
- f) One finance and procurement officer;
- g) One administration and human resource officer;

Recruiting of staff, particularly international experts, has proven difficult. While the international consultant who was subsequently appointed as Project Manager in August 2005 was engaged in February of that year, the first of the technical advisors (legal empowerment) could not be recruited until June 2005. The capacity-building advisor was recruited in November 2005 but subsequently left after 5 months, requiring another recruitment process (a replacement is now on board). The ICT advisor joined only in October 2005, and the Public Outreach Advisor in February 2006. These delays have inevitably resulted in reduced and delayed delivery. An additional international staff position of security officer was added in 2006 when parliament, donors, and the SEAL management team identified parliamentary security both within and outside the parliamentary precinct as a key priority and an area where national capacity strengthening was required.

Recruiting qualified personnel to Afghanistan is not easy given the security circumstances. Advertisements placed for example in development network lists, or in the Economist (which is a traditional avenue for recruitment for UNDP globally), have yielded only a handful of applicants, where norms are over 100 for such international positions. The project manager emphasized that it is better to wait for the right candidate than to hire someone without the necessary education, experience, and personality, and the evaluation team shares this perspective.

The national project staff have contributed significantly to project success, and have performed well overall given that, for obvious reasons, none has previous experience

working with parliaments in Afghanistan. The performance of some members of the project's national staff is stronger than others, and the project leadership will need to ensure that overall national staff capacity is built as part of the overall objective of building sustainability and national ownership. Serious efforts should be made to attain better gender balance in the international and national staff complements.

The project manager's key positive role, both as manager and leader, throughout the first 18 months of the SEAL project was repeatedly emphasized by Secretariat Staff and the Members of Parliament. On leaving the project she was awarded a special medal by Afghanistan. The Evaluation Team would like to reiterate our assessment that she has done an exemplary job under difficult circumstances and leaves the project in very good shape to be continued into the next phase.

Mention should also be made of the services provided by the senior consultant, Mr. Gopalan, former Secretary-General of the Indian Parliament. Mr. Gopalan's experience and political acumen has been a great asset to the project, and he is widely respected by those stakeholders in the parliament.

Management Arrangements

As per the project document, UNDP is responsible through Direct Execution (DEX) modality for the implementation and overall achievements of the results of SEAL project, under the overall leadership of the Afghan Government, with the support of France as the LEAD Nation for parliamentary support, the Inter-Parliamentary Union, and other donors. Co-ordination and management of SEAL is ensured through a parliamentary task force and a project management team. The management team, under the overall supervision of a project manager recruited for that purpose, is tasked with the coordination, managerial and administrative aspects of the implementation of the components of the program, and provides expertise to the parliamentary taskforce on technical matters to facilitate decision-making. The taskforce is led by parliament, and includes membership at the senior level (ambassadorial) from the key donors.

Overall management and implementation of the project has been more than satisfactory. One area for attention is ensuring that progress reports and work plans are submitted regularly and on time.

Budgets and Delivery

The SEAL project has received healthy, multi-donor funding support. Few parliament programs in developing countries have received such generous support, reflecting the commitment of the international donor community to deepening democracy and ensuring that parliament stands as a viable balancing institution to the Executive.

The budget for the entire two-year program was set at \$15,501,906, with an allocated budget of \$11,164,041 for 2005, and \$4,337,865 for 2006. Management costs (staffing, facilities and administration) were set at a total of \$3,269,600, or approximately, 21% of total budget costs. This percentage is well below the norm of 1/3 of budget costs going to salaries and administration. A GMS fee of 5% was applied for a total of \$738,166. Overhead costs for project implementation were modest.

Project funding was initially supported through a UNDP Core contribution of \$750,000 in addition to carry-over of funding received from France during the Prep Assistance Phase. Substantial additional donor funding followed:

| Total Funds Received to date (as of July 2006) | |
|---|-------------------|
| France | 2,884,923 |
| UNDP Core | 750,000 |
| Italy | 1,204,819 |
| EC | 2,895,054 |
| SIDA | 1,277,139 |
| Germany GTZ | 1,764,706 |
| Denmark | 2,000,000 |
| CIDA (Canada) | 1,052,631 |
| Total to date | 15,197,949 |

Both France (as LEAD Nation) and Italy earmarked their contributions to specific components; Italy to purchase ICT equipment and France to assist in Capacity Building and Legislative Environment. All other contributing nations provided funds on a general basis.

| Funds Allocated Per Component in Initial Project Budget | |
|--|---------------------|
| Activity/Component | Amount |
| 1. Capacity Building | \$4,138,000 |
| 2. Legal Environment | \$342,000 |
| 3. ICT Equipment and Services | \$4,917,120 |
| 4. Parliament Outreach | \$1,462,000 |
| 5. Establishment of and Running Costs of Parliament | \$635,000 |
| 6. Programme Support | \$3,269,600 |
| GMS | \$738,166 |
| Total | \$15,501,906 |

Funds Delivered in 2005 per Component:

| Activity | UNDP | France | Italy | EC | SIDA | Total Project Expenditure |
|---|-------------|---------------|--------------|-----------|-------------|----------------------------------|
| Capacity Building and Institutional Support | | 790,343 | | | | 790,343 |
| Legal environment | | 177,505 | | | | 177,505 |
| ICT Equipments and Services | 4,299 | | 1,028,785 | 1,333,306 | 38,482 | 2,404,872 |
| Parliament outreach | | | | 40,735 | | 40,735 |
| Establishment | 553,247 | | | 51,154 | 3,227 | 607,628 |

| | | | | | | |
|--------------------------------|----------------|------------------|------------------|------------------|----------------|------------------|
| and Running cost of Parliament | | | | | | |
| Programme Support | 103,725 | 49,714 | | | 104,821 | 258,260 |
| Total | 661,271 | 1,017,562 | 1,028,785 | 1,425,195 | 146,530 | 4,279,343 |

It is currently estimated that approximately about \$5 million funding will be unspent at planned project end. The evaluation team recommends that this be rephased into a no-cost extension for the final 10 months of 2007. A new multi-year project would thus be formulated during 2007. New project directions and dimensions could be discussed and tested during an extension phase which would thus have a transitional character. Alternatively, agreement could be sought to fold surplus funds at project end in February 2007 into a new successor project beginning immediately afterwards, although the no-cost extension would provide a more comfortable period for elaborating the directions of the next phase.

The evaluation team was not charged with review or audit of project receipts and expenditures, which are provided for separately as part of UNDP's standard accountability processes.

Part III: Recommendations on future support to parliament

Introduction

The SEAL project currently focuses its activities in seven main areas or ‘outputs’, listed in the previous section, including both organizational and programmatic elements

In this section of the consultant team’s evaluation report, we have re-examined these areas in order to assess needs for continued and/or adjusted activities, and explored additional areas of parliamentary development in which the current SEAL and successor projects should consider involvement. The original item six (basic set-up and running costs of parliament met in its first year) has already been effectively achieved and thus is not included in the future project perspectives in this section of the evaluation. Two additional activity areas, of security and anti-corruption, have been identified by the Parliament and the project team as requiring support during the first 18 months. These are incorporated here within output 3.

A draft detailed workplan for year two of the SEAL project (February 2006 – February 2007) has been developed by the SEAL project management team. This part of the evaluation document is not intended as an alternative to the workplan, which provides a detailed listing of this year’s activities, but is rather a review of current and future strategic priorities, and an overview of possible project directions in the remaining phase of the SEAL project and successor projects. This section includes a shorter-term listing of areas for specific work focus in the remainder of the first SEAL project (with no-cost extension to December 31 2007 recommended by the evaluators), and a longer term perspective including prospective activities for a successor project to SEAL. These two aspects are necessarily interlinked. The longer term directions suggested should be seen as a foundation for the development of a new successor project and not as a definitive statement. The project team leadership, UNDP, and the donors should work closely together to develop the details of the successor phase.

We identify three strategic orientations for the project as it moves forward to its next stages:

- A. Situate medium-term projects such as SEAL and its successors within an overall **long-term framework for parliamentary development** (7 – 10 years), developed, approved, and owned by parliament
- B. Emphasis on **strengthening the communications capacities of parliament and parliamentarians** to ensure public acceptance and understanding of parliament as the **key representative institution**
- C. Priority for activities that build **sustainable capacity** within parliament, moving in the medium-term towards national project execution.

1. Effective coordination and programming mechanism of support to parliament

a. Background

As noted in the evaluation section of this report, the Working Group coordination system was established and remained functional and effective throughout the project period. The Taskforce, which was to provide overall coordination of donor support to the parliament in general, held meetings at the beginning of the project but has not been active during 2006. This has led to some confusion of roles and responsibilities and the tendency for operational matters to become intertwined with strategic decision-making. There have been differences of expectations between some of the donors and between some donors and the project management team. In future, both during the current phase of the project and future stages of coordinated assistance, it will be crucial to clarify roles and relationships. A framework for achieving this coordination is already present in the Memoranda of Understanding that accompany the agreements for donor contributions to the project.

The SEAL project has enjoyed considerable success in its primary objectives of helping to assure the timely inauguration and operation of Afghanistan's democratic parliament. At the same time, some of the project's expectations proved ambitious, particularly in the area of capacity building. It will in all likelihood be necessary to negotiate a no-cost extension to the project until approximately the end of 2007 in order to permit execution of the remaining project activities. Alternatively, activities not executed before SEAL's scheduled end date in February 2007 could be folded, along with unexpended funding, into a new project beginning immediately after February 2007.

The first step in initiating post-SEAL activities should be the development of a comprehensive but flexible long-range parliamentary development framework (7 – 10 years) within which future development activities would be situated.

b. Objectives

- i. Review and refine the project management and reporting structure to assure maximum efficiency and clarity of roles and responsibilities
- ii. Provide an effective mechanism for high-level coordination and strategic direction to the overall process of parliamentary development in Afghanistan
- iii. Ensure that project management is vested in the SEAL and successor project team
- iv. Situate future parliamentary development projects within a long-term institutional development framework, owned by the Parliament of Afghanistan
- v. Gradually move towards national execution while assuring the continued input and support of the international community towards democratic parliamentary development
- vi. The SEAL project is extended as necessary by agreement between Parliament, donors and UNDP, to assure completion of project activities, as well as

- planning for a second phase of coordinated support to Afghanistan's parliament
- vii. A long-range development plan is prepared and adopted by parliament with support from UNDP.
- c. *Priorities for the remaining phase of the current project*
- i. Re-establishment of the parliamentary development coordination Taskforce to meet on a quarterly basis, including senior level representatives of the Afghan Parliament and interested bilateral and multilateral agencies including UNDP. Secretariat role to be assumed by SEAL project CTA in accordance with the SEAL project terms of reference. Representatives of specific parliamentary development projects to be invited to participate in the Taskforce as required.
 - ii. Revisit Terms of Reference of the Taskforce to assure that the Taskforce:
 - maintains a broad oversight of parliamentary development activities;
 - is kept briefed on gaps and duplications that cannot be resolved at the working level (in other words that either require the development of new project activities and attendant funding, or require mission-level negotiation and agreement on division of tasks and responsibilities);
 - assures resource mobilization to address continuing parliamentary development needs;
 - clarifies the role of the Working Group to ensure that daily management responsibility for the SEAL project rests with the SEAL team.
 - iii. Identify, as a priority, project activities that cannot be completed during the present project timeframe and negotiate necessary extensions as appropriate with project funders.
- d. *Work areas for the successor project to SEAL*
- i. Clear agreement between donors on the division of responsibilities between the Taskforce, the Working Group, and the SEAL management team;
 - ii. Assurance that the SEAL management team in conjunction with the UNDP fiduciary and management responsibility structures is empowered to make project management decisions such as hiring and purchasing decisions in accordance with UNDP policies and the donor-UNDP MoUs;
 - iii. Redrafting of the terms of reference for the Working Group to clarify the role of the Working Group as a forum for:
 - the operational coordination of project activities,
 - initial discussion of strategic parliamentary development activities for eventual presentation to the coordinating high-level Taskforce,
 - distribution of regular project activity reports from the various international organisms active in support to parliamentary development.
 - iv. The Working Group should not be a location for re-examining individual projects' management decisions, which should be addressed within the respective organizations' management structures.

- In accordance with the gradual devolution of responsibility to national execution, the Working Group should continue to be hosted and managed by the parliament of Afghanistan.
 - Participation in the Working Group should be open to all parliamentary development projects wishing to participate in this co-ordination forum
 - The meetings of the Working Group should be scheduled monthly to ensure fulfillment of a strategic coordination rather than daily operation management function.
- v. Revitalization of the parliamentary development coordinating Taskforce
- Chaired and coordinated jointly by the Parliament of Afghanistan and UNDP
 - Secretariat responsibilities including meeting organization to rest with the SEAL successor project
 - Meetings to be scheduled quarterly to assure focus on strategic overview and review of overall parliamentary development progress.
- vi. Work with the Afghan Parliament and the Taskforce to develop a **long-term plan for parliamentary development** to operationalize the goal of long-term sustainability of the parliamentary institution, while acknowledging the continuing need for external support during an extended developmental period.

2. *Continued building of capacities of members of parliament and more detailed and specialized building of the capacities of the administrative and technical staff*

a. Background

As noted in the evaluative section of this document, a wide range of training activities were carried out with the administration of the parliament as well as with newly elected members of parliament in both houses. The success of the parliament in fulfilling its constitutional responsibilities despite short timelines and difficult overall national situation is testament to the will of the Afghan people to establish a durable democratic system, the capacities of the elected and administrative personnel of parliament, the commitment of the international community to accompany Afghanistan in its democratic renewal, and the success of the SEAL project, in coordination with other parliamentary development projects, in providing a wide range of training and capacity-building opportunities to assist parliament in translating its ambitions into reality.

At the same time, the consultants' evaluation revealed that project execution in this area was somewhat below planned levels. In retrospect the project was overambitious, considering that the new parliament has been established in the wake of many years of conflict, in a context of only limited previous democratic experience, and with very little available institutional memory.

Capacity building for the staff and members of parliament will be central to the remaining phase of the SEAL project and in successor projects. Opportunities should continue to be provided to all members and staff as appropriate, but it will be critical to target resources in priority areas including internal high-level management capacities, non-partisan leadership of the parliament by the two Speakers, national budget oversight, and committee legislative and capacities.

Staff turnover within the Secretariat, as well as inadequate functioning of some areas of the Secretariat, remain key issues to be addressed. While SEAL needs to avoid excessive and disempowering intervention, a more proactive approach in placement of medium-term SEAL project consultants should be considered; this has proven successful in the ICT area.

While relationships between the executive and legislative branches of government remain healthy and positive, this inevitably remains an area of significant potential tension. In various actions, parliament has demonstrated its intention to fully exercise its constitutional authority, while the executive naturally seeks to channel parliamentary activities within its overall strategy for nation-building. The SEAL project and its successor projects have an important role in supporting development of a positive and mutually respectful relationship between the different branches of government.

Subsequent to the launching of the SEAL project, Afghan parliamentarians have identified corruption in state institutions and in Afghan life generally, as a serious threat to the stability of the country and to sustainable development. In the current SEAL project and successor projects, anti-corruption should be both a targeted activity and a cross-cutting theme.

b. Objectives

- i. Development of a comprehensive framework of all planned training and capacity development activities in order to permit ready assessment of progress in activity implementation
- ii. Continued development of the parliamentary Secretariat and particularly the Secretary Generals and deputy Secretary Generals of each chamber in order to assure high-level and non-political direction of the administrative functions of the Parliament, particularly through international exchanges with homologues in other developing and developed countries.
- iii. Support provided to the learning objectives of the Speakers and deputy Speakers of each chamber in carrying out their constitutional responsibilities of non-partisan leadership of the two parliamentary chambers
- iv. Strengthened internal management capacities of Parliament especially in the areas of human resources and internal financial controls supported through provision of capacity-building support
- v. Parliamentary capacity assured in the area of national budget oversight, both among elected members and through provision of effective technical staff support

- vi. Dedicated legal expertise available to parliamentarians, both within the secretariat and from outside national experts, to assist in legislative drafting and interpretation
- vii. Effective parliamentary involvement assured in the development, approval, monitoring, and evaluation of development programs of national importance including the Afghan National Development Strategy
- viii. Ensured parliamentary capacity in translating constituent needs and priorities into the work of legislation and oversight
- ix. Strengthened capacity of parliamentary committees to carry out their legislative and oversight responsibilities.
- x. Expanded Secretariat functions facilitated through a suitably enhanced and flexible Secretariat organizational structure.

c. Priorities for the remaining phase of the current project

- i. Carry out the proposed implementation plan of trainings and workshops requested by the Wolesi Jirga and Meshrano Jirga
- ii. Assure the presence of SEAL expert training and capacity-building consultants in a dedicated location in the Afghan Parliament on a continuing basis
- iii. Review the staff support needs for each parliamentary committee in conjunction with the committee chairs and members, and the Secretariat, in preparation for development of a long range training program
- iv. In conjunction with other Afghan parliamentary development projects and other key financial development actors such as the World Bank and IMF, ensure comprehensive training for the budget committee in preparation for the 2007 budget process
- v. Provide training and capacity building support to the members and staff of the two houses in the role of parliament in the development, implementation, and monitoring and evaluation of national development and poverty-reduction strategies and their relationship to global development objectives such as the Millennium Development Goals, and specific technical advice in the analysis of the Afghan National Development Strategy
- vi. Discuss the overall training and capacity needs for members and support staff for the each of the committees of the two houses of parliament and develop a training plan to include elements for execution under the current SEAL project and successor projects

d. Work areas for the successor project to SEAL

- i. Assured provision of training and capacity-building opportunities for the senior elected and administrative officers of the Parliament (Speakers and deputy Speakers, Secretary Generals and deputy Secretary Generals), including their effective integration into global and regional networks of Speakers and Secretary Generals respectively

- ii. Assess the technical support needs for effective national budget and audit oversight and support implementation of a strategy to assure strengthened Secretariat support to the oversight function.
- iii. Consider the potential for placing SEAL-supported medium-term consultants within the parliamentary precinct and as part of the Secretariat functional structure, in key strategic parliamentary areas where parliamentary performance can be upgraded.
- iv. Support, in conjunction with other Afghan parliamentary development projects, the implementation of the comprehensive training and capacity-building plan for members and support staff for the committees of the two houses of parliament (as identified in 2.c.vi).
- v. Improve Parliament's library services and integrate them with a non-partisan research support function.
- vi. Work in conjunction with UNDP Afghanistan gender focus staff and other resources to assure training and other capacity development opportunities on gender analysis, including gender impact policy analysis and gender-sensitive budget analysis.
- vii. Assess the legislative drafting and review capacities within the Secretariat and work with the Secretariat to ensure that suitable legal technical support within and if necessary outside the Secretariat is available to committees, parliamentary groups, and individual MPs carrying out their legislative responsibilities; develop and implement program of necessary technical support and capacity-building
- viii. Provide advice as requested in relation to formation, functioning, and capacity-building of parliamentary groups.
- ix. Help assure an appropriate Secretariat organizational framework for the enhanced staff and deputy functioning envisaged through the next phase. Up to four new bodies could be established by Parliament, with time-limited financial and technical support from a successor phase to the SEAL project:
 - A *parliamentary training centre*, either in conjunction with or separately from the Afghanistan Civil Service Commission, in which long-term training could be offered to parliamentary staff and members, preferably in collaboration with national and international academic institutions. The opportunity to pursue widely-recognised professional qualifications in conjunction with parliamentary employment could be a significant incentive for staff retention.
 - A staffed and equipped *budget office* to support strengthened national budget oversight, either established as a standalone office or integrated with a new *legislative drafting office* that would be responsible for supporting parliament's work in drafting and amending legislation.
 - A *parliamentary documentation and research centre* that would incorporate a greatly expanded library facilities as well as a dedicated research staff equipped to carry out non-partisan policy research for the elected members.

3. *Building on the legal environment work already done and further elaboration and fine tuning of the legal instruments*

a. Background

The SEAL project provided support to parliament, in collaboration with other international partners, in the development of various instruments governing the operation of parliament. Standing Orders have been approved by the Meshrano Jirga, while temporary Standing Orders have been approved by the Wolesi Jirga. A draft code of conduct has been developed and submitted to parliamentarians for their consideration. Discussions have been held regarding the advisability of establishing a separate Parliamentary Civil Service, as is the norm in many countries, but no decision has been made by parliament in this regard. As noted in output 2, the modalities for parliament's relations with the executive remain a subject of some debate, and a proposition for SEAL successor project support to help clarify this relationship is included in proposed successor project activities. The leadership in both houses of parliament would benefit from international legal expert advice, especially in the early phase of constitutional interpretation.

After the SEAL project began, it became clear that the question of parliamentary security was one that should be addressed. Parliament is subject to the same security concerns as the rest of Afghanistan. In addition, the independence of the parliamentary institution is guaranteed partly through the presence of an effective parliamentary security system, coordinated with but autonomous of the overall structures of national security. It is important to note that parliamentary security should extend beyond the parliamentary precinct and covers members of parliament exercising their functions throughout the country.

b. Objectives

- i. Support provided to Parliament to ensure that the appropriate overall legal framework is put in place and adjusted as necessary to meet the developing needs of the Afghan parliament
- ii. Permanent Standing orders are implemented in both houses of Parliament, and reviewed as necessary
- iii. Parliament is viewed as a key institution in monitoring and addressing corruption; as a first step, a code of conduct and ethics for members of parliament is developed and adopted in both houses of Parliament
- iv. The merits of establishing an independent Parliamentary Civil Service are considered and if appropriate the necessary legal dispositions are taken to permit its establishment
- v. Parliament has internal staff capacity, and cadre of national and international legal experts are available, to provide expert assistance to parliament on the interpretation of the institution's constitutional authorities and responsibilities
- vi. Parliament has an effective security system functional throughout the parliamentary precinct, as well as suitable security arrangements and protocols

to support members of parliament carrying out their duties throughout the country.

c. Priorities for the remaining phase of the current project

- i. Provide requested support to the Wolesi Jirga to assure the approval and implementation of the Standing Orders, and work with both Houses to review the Standing Orders as necessary
- ii. Provide training and expert technical assistance as necessary to assist in the development and approval of an appropriate code of conduct and ethics in both chambers of Parliament.
- iii. Continue the current activities geared to upgrading the capacities of the security personnel of the parliamentary precinct.

d. Work areas for the successor project to SEAL

- i. Provide capacity-building support through international exchanges and training for both the Parliament and the ministry responsible for parliamentary relations, to assist in the identification of appropriate modalities for Parliament's institutional independence within an overall commitment to national development
- ii. Provide opportunities for the Secretariat and elected parliamentary leadership to study the organization of the parliamentary civil service in different countries, and, if requested, work with the two houses of Parliament in developing the legal framework for a separate parliamentary civil service
- iii. Work with the parliamentary administration to assure the presence and effective deployment of expert legal support to committees, parliamentary groups, and individual members of parliament, and the availability of a cadre of external expert legal counsel to parliament as necessary
- iv. Establish a Public Accounts or audit committee of both Houses charged with reviewing the audited statements of revenues and expenditure, and for conducting oversight of ethical standards in public administration.
- v. Work with the parliament security directorate in collaboration with other national and international security personnel to establish protocols to ensure the security of parliamentarians as they carry out their duties throughout the country, and work with the parliamentary privileges committee of both houses of parliament to establish a consistent approach to deal with incidents of violation of members' security both inside and outside the parliamentary precinct.

4. Enhancing the linkage and complementarities between physical infrastructures and information and communication technology (ICT) tools and fully operationalizing the information services

a. Background

As noted in the evaluative component of this report, the SEAL project has enjoyed substantial success in its support to parliament of implementation of the ICT component. Parliament is relatively well equipped with hardware, operating software, and appropriate networking. Trainings have been conducted in computer and network management. Study tours have been conducted on interactive aspects of ICT such as e-governance. A web site has been established, but its full potential as a key location for the distribution of parliamentary information such as reports on proceedings, etc., remains to be exploited. Capacity limitations continue to affect the management of ICT within parliament, and external consultants are currently managing the parliamentary network. A long-term solution to this issue needs to be put in place.

b. Objectives

- i. Long-term ICT management solution is in place ensuring the sustainability of ICT systems in the Afghan Parliament
- ii. The ICT system is effectively integrated with the legislative and representation and communications functions of parliament, so that, for example, parliamentary proceedings are distributed to members, staff, and civil society through intranet and internet systems

c. Priorities for the remaining phase of the current project

- i. Develop a realistic strategy for ensuring the sustainability of the ICT functions of the legislature, including a human resources strategy that will address the issue of staff turnover, and recourse where necessary to externally contracted services
- ii. Work with the ICT and Reports Departments of the Secretariat to establish a protocol for the effective coordination of internet site management involving both the ICT and the Public Information departments, including assuring the regular posting on the parliamentary website of plenary minutes (Hansard) and committee activities.
- iii. In the interim, continue to provide an Afghan national ICT consultant working in the parliamentary precinct to help assure ICT functioning and Secretariat capacity building.

d. Work areas for the successor project to SEAL

- i. Develop and implement a plan for use of new information technologies in communications between parliamentarians and their constituents

- ii. Assure the existence and implementation of a sustainable long-term operational strategy for the maintenance of ICT systems and functions in the parliament after the end of dedicated international support

5. Sustained implementation of public information and awareness strategy for parliament outreach to take off on its own momentum

a. Background

The emerging democratic system in Afghanistan inherits considerable public skepticism towards governance systems of any kind in Afghanistan. Over the past several decades, public hopes for several different types of governance have proven unfounded, with the result that many members of the public are impatient to see immediate and direct improvements in their quality of life. At the same time, the failure of other governance systems means that few Afghans see any alternative but to make the democratic system work. The presence of international security assistance provides space for the democratic system to grow, but long-term democratic sustainability and the vitality of the parliamentary institution will depend on the fostering and maintenance of strong representative ties with the Afghan population.

In many ways, the current environment for public dialogue is very positive, with the emergence of a vibrant free media, and wide public interest in political affairs including parliament. However it will be important to build on this positive beginning through provision of support both to parliament's own capacities for public dialogue, and to the capacities of its interlocutors in civil society and particularly the media.

Emphasis for future activities of representation is placed on four areas: the development of a national Parliamentary radio to ensure that the public can directly follow parliament's activities; the fostering of a parliamentary press association that helps assure high standards in media coverage of parliament; support to public outreach activities of parliament and individual parliamentarians; and, the fostering of positive relationships with civil society.

b. Objectives

- i. Parliament is equipped with a resourced, functional, and sustainable Parliamentary radio service
- ii. The parliamentary media is organized in a parliamentary press association equipped with a code of ethics and the facilities necessary to support and foster professional coverage of parliamentary affairs
- iii. Parliamentarians understand the role of media and are equipped to use media effectively in communicating with their constituents
- iv. Parliamentary committee meetings are open to the media and public unless committees resolve otherwise
- v. Parliamentarians engage regularly in dialogue with their constituents and with organized civil society

- vi. The practice of public hearings on legislative proposals of wide national interest and importance is institutionalized
- vii. An institutionalized program of public outreach including parliamentary “open house” days and regular schools visits is in place, including public information materials targeted to specific audiences
- viii. The importance of the parliamentary institution and tradition, and the effectiveness of the parliamentary institution, is communicated through institutions of higher learning.

c. Priorities for the remaining phase of the current project

- i. The SEAL project public outreach team works closely with the Public Information Directorate and senior legislators and Secretariat staff to assure the creation of a Parliamentary radio
- ii. A dedicated staff team for the parliamentary radio is identified and trained, and integrated within the Secretariat
- iii. A programming schedule for the Parliamentary radio is developed by the radio staff with support from the SEAL project and submitted for approval to both houses of parliament
- iv. SEAL project public outreach team works with the Public Information directorate of parliament to produce and assure effective distribution of targeted public information material on the Afghan parliament
- v. Discussions are held with accredited parliamentary journalists to develop a program of support to development of a parliamentary press association, and a project to develop a voluntary code of ethics for the members of such an association
- vi. In conjunction with the Public Information directorate and parliamentary journalists, hold a seminar with parliamentarians on effective media communications
- vii. The public outreach program initiated by SEAL in conjunction with the parliamentarians is continued and extended to all provinces where feasible in light of the security situation

d. Work areas for the successor project to SEAL

- i. The sustainability needs of the Parliamentary radio are assessed and appropriate training and other support provided to ensure its independent functioning after the end of dedicated international support
- ii. Modalities are established for the retransmission of the Parliamentary radio as widely as possible in Afghanistan, through agreements with community, regional, private, and national radio
- iii. Discussions are held with the parliamentary leadership, committee chairs, and the Secretariat to assess the feasibility of conducting public hearings on legislative proposals of national significance, and if considered appropriate

- and feasible, a committee is selected for a pilot program of national legislative hearings
- iv. A series of seminars, training opportunities, and international internship opportunities for the parliamentary press association is organized in conjunction with a parliamentary press association in a country with a strong democratic parliamentary press tradition, and/or an international media development organization
 - v. An annual parliament – civil society forum is held in which members of organized Afghanistan civil society and parliamentarians have the opportunity to enter into constructive dialogue on mutual roles and responsibilities, and synergies are sought in ensuring opportunities for public participation in the policy-making process
 - vi. Study tours are held for members of parliament and secretariat members of the role of parliaments in resolving conflict, and an analysis is conducted by an expert national / international team of specialists in conflict reduction, to assess the potential role of the Afghanistan parliament in conflict resolution /reduction.
 - vii. An annual review of legislative activities is produced in conjunction with a team from the law faculty of the national university, detailing and analyzing parliament’s activities for the previous year

6. Management functions to be fully operational throughout the phase

a. Background

As noted in the evaluative section of this report, the positive overall outcome of this project, conducted under extremely difficult conditions, is largely attributable to the strong project leadership provided during the first one and one half years of the project. The maturity and interpersonal skills of the CTA permitted resolution of potentially serious difficulties. The first CTA’s replacement with another capable and experienced manager also augurs well for the future success of the project. UNDP country office management and UNDP project liaison staff have also helped assure project success.

In the remainder of the 2005 – 2007 SEAL project and successor projects, management will need to focus on overall parliamentary-strengthening objectives, on a long-term developmental approach, and on capacity-building within the national Parliament and also within the post-SEAL national project staff. Efforts should also be made to ensure that approval formalities within the project and UNDP are streamlined as far as possible while respecting fiduciary responsibilities.

The physical location of the project office far from the Parliamentary buildings limits project efficiency. Given that the lease on the current facility expires in February 2007, the opportunity should be used to explore alternative office facilities in suitable locations closer to the parliamentary precinct.

b. Objectives

- i. Project records are maintained up-to-date and submitted to UNDP and project donors in a timely fashion
 - ii. Administrative approval processes within the project and with UNDP and project donors are streamlined to ensure timely project activity execution
 - iii. National staff gradually assume programmatic and managerial responsibilities
 - iv. Expert consultative support to parliament is provided as far as possible in longer-term commitments, and provided on-site in the national Parliament
 - v. In the medium-term, a strategy is in place to gradually transfer project execution to the national counterpart.
- c. Priorities for the remaining phase of the current project
- i. A schedule of required project reports and documentation is developed and rigorously respected
 - ii. Understandings are reached with UNDP and/or project donors to ensure that activity-related expenditures can be processed as quickly as possible
 - iii. Training opportunities are provided for national project staff to develop their managerial and technical skills
 - iv. Where possible, expert consultants and trainers are sought on longer-term retainers to ensure provision of in-depth training and expert advice
 - v. Negotiations are held with the Parliament to assure the availability of dedicated office space to project expert consultants in the parliamentary precinct
- d. Work areas for the successor project to SEAL
- i. Responsibilities within the project to national staff are gradually transferred to national project staff as they develop the necessary managerial and technical skills
 - ii. A plan is developed and implemented for the transfer of the successor projects from direct execution to national execution, to be implemented on a step-by-step basis as confirmed capacity is built at the national counterpart.

APPENDIX I : Recommended structure for a future Project Document

In this mid-term evaluation, we have maintained the current Project Document framework and have evaluated current activities and proposed short- and longer-term future activities based on that framework. As we are recommending a no-cost extension to the existing program as the short-term strategy for continuing parliamentary development, it was felt that, for the time being, the existing project output structure should be retained as an organizing framework.

However, as we move towards the conclusion of SEAL and implementation of a new parliamentary development project beginning in 2007 or 2008³, parliamentary development activities should be conceived within a long-term development focus rather than the existing start-up modality. As noted earlier, the evaluators feel that a long-term (7 - 10 years) strategic development framework should be developed by parliament with support from SEAL, with future medium-term (2 – 3 years) parliamentary projects rolled out from that framework. This would provide a more strategic approach to development, a longer-term vision of sustainability and national ownership, a mechanism for integration of UNDP-led and other national and international parliamentary development activities into a single development focus, and a means for evaluating progress towards overall parliamentary development goals. This approach has been used successfully in other post-conflict developing democracies wishing to move beyond the crisis resolution and institution-creation stage and towards the building of stable and sustainable state institutions.

Both long-term development frameworks and medium-term project activities can be organized into functional areas of parliamentary activity:

1. Legislation
2. Oversight
3. Representation
4. Budget and audit
5. Parliamentary administration

The objectives and work areas listed in Part III, under sections (b) and (d) in each output area, could be restated in terms of these five functional and organizational activities of parliament as part of the process of development of a post-SEAL project document. These can then be formulated in terms of a costed Results and Resources Framework according to UNDP practice.

³ The evaluators' terms of reference suggest that a new parliamentary development project will be launched immediately after the expiry of the current SEAL project in February 2007. Alternatively, as the evaluators have proposed earlier in this document, a no-cost extension could be sought to permit completion of the original SEAL activities by the end of 2007, with a new project launched starting in 2008. The decision on these alternatives should be made by UNDP in conjunction with Parliament and project donors.

SEAL Project Evaluation
Appendix Two
Persons Consulted

National Assembly of Afghanistan

Wolesi Jirga

Rawzia Koufi
Deputy Speaker

Dr. Ramazan Bachardoust
Member of Parliament

Ghulam Hassan Gran
Acting Secretary General

Hekmatullah Foushanji
Head of Legal and Professional Studies
General Secretariat

Shams Safi
Donor Coordination Assistant

Meshrano Jirga

Prof. Sibghatullah Mojadidi
Speaker

Mohammed Kazim Malwan
Deputy Secretary General

Government of Afghanistan

State Ministry of Parliamentary Affairs
Dr. Farooq Wardak
State Minister

Independent Administrative Reform and Civil Service Commission
Dr. Ahmad Moshahed

Afghan National Development Strategy
Yousuf Ghaznavi
Strategy Process Manager

Afghan National Development Strategy
Nematullah Bizhan,
Implementation and Monitoring Coordinator

Ministry of Justice
Director, Drafting Department

Project Donors

Embassy of Denmark
Marianne Olesen
First Secretary

GTZ
Dr. Gisela Hayfa
Country Director

Embassy of Canada
Nasir A. Ebrahimkali
Development Program Officer

Embassy of France
Enie Wesseldijk
Senior Parliamentary Expert

Embassy of Italy
Antonella Deledda
Justice Office Vice-Coordinator

United Nations

Ameerah Haq
Deputy Special Representative of the Secretary General
United Nations Resident Coordinator

Asma Nassery
Political Affairs Officer
Office of the Deputy Special Representative

United Nations Development Program

Anita Nirody
Country Director

Sitara
Assistant Country Director
Democratization & Civil Society Empowerment

Masood Amer
Programme Officer

Edith Maziofa
Programme Officer

Abdul Basir Stanikzai
Programme Associate

SEAL Project

Thusitha Pilapitiya
Project Manager

Abdel Ellah Sediqi
Deputy Project Manager

Dr. John Patterson
Incoming Project Manager

Srinivasan Gopalan, IAS
Senior Consultant

UNIFEM

Meryem Aslan
Programme Director

Dr. Azizullah Lodin
Former Secretary General
National Assembly of Afghanistan

Independent Election Commission

Bismillah Bismill
Chairman

Daoud Najafi
Chief Electoral Officer

Afghan Independent Human Rights Commission

Dr. Sima Samar
Chairman

SUNY-USAID

Paul King
Chief-of-Party

Civil Society

Afghanistan Women's Network

Shokria Kazimi
Program Manager

Afghan Civil Society Forum
Partaw Naderi
Media Manager

Faiheen Haideri
Khailid Media Group

SEAL Project Evaluation
Appendix Three
Documents Consulted

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TERMS OF REFERENCE

Support to the Establishment of Afghanistan Legislature “SEAL Project” Evaluation MISSION

| | |
|--------------------------|---|
| Project: | Support to the Establishment of Afghan Legislature (SEAL) Project no. 00042513 |
| Executing agency: | United Nations Development Programme (UNDP) |
| Duration: | 2 weeks |
| Start date: | Mid-July |

Background

Under the terms of the new constitution adopted by the *Constitutional Loya Jirga* (CLJ) in January 2004, parliamentary elections were held in Afghanistan in September 2005 to elect Members to the National Assembly consisting of two houses: House of People (Wolesi Jirga) with 249 members and House of Elders (Meshrano Jirga) with approximately 100 members. The elections were conducted peacefully and the national assembly was successfully inaugurated on Dec 19, 2005, substantially supported by SEAL project.

The Support to the Establishment of the Afghan Legislature (SEAL) project is implemented under the Direct Execution (DEX) modality of the UNDP in terms of an agreement entered into between the Government of Afghanistan and the UNDP in February, 2005. The Project has a budget of USD 15.5 million. In addition to UNDP, this project is funded by the European Community, Germany, France, Denmark, Swedish International Development Agency (SIDA), Canada and Italy. The Project is scheduled to conclude in February, 2007.

The envisaged Project outcome of the project is the establishment of a fully operational and efficient Parliament, accountable and transparent, and recognized by the people as their representative institution. Outputs envisaged are: trained and functional administrative staff and parliamentarians; necessary legal and institutional environment; Information Services and ICT set up; and effective Public Information, Awareness and Outreach system. A Project team headed by a Chief Technical Advisor (Project Manager) and consisting of 4 Technical Advisers, a national deputy Project Manager, 5 National Officers and a number of national support staff is implementing the Project.

A parliamentary Task Force gives overall guidance on the implementation of the Project activities. The Project Management Team has the immediate responsibility for implementation, co-ordination, monitoring and reporting. This team is now fully functional.

The implementation of the Project has yielded substantial results, the most important of which was the orderly inauguration of the National Assembly itself. Particulars of the results achieved are presented in Annex 1.

To date the project has seen significant achievement of its objectives. After completing a comprehensive training both nationally and internationally for the Secretariat staff, SEAL, together with USAID, supported an Orientation Seminar for the members that were attended by 84% of the members belonging to both the upper and lower houses. All members of the Upper House have gone through two seminars on Globalization and related issues that was organized by the SEAL Project. In addition, SEAL has organized an International Conference for members of the Upper House on effective executive – Legislatives relations. A needs assessment seminar was also organized for women parliamentarians, as well as for private aides of parliamentarians. SEAL has provided advisory services to draft Rules of Procedure that have now been approved by the Upper House with minor modifications, and adopted provisionally by the Lower House. Staff Rules, Code of Conduct and Security Guidelines also have been drafted with SEAL assistance. SEAL has created a modern ICT environment at the Parliament throughout the parliament. Journalists were trained on parliamentary reporting and a website developed for the parliament. SEAL has also supplied books for the parliament library.

For the immediate future, SEAL will concentrate on capacity development of the Members and further strengthening of the Secretariat. Members answered a questionnaire at the Orientation Seminar and valuable information has been collected upon which the future training programmes will be based. In general, these include leadership training for the administrative boards of the Houses, general training in Kabul on subjects such as gender and human rights, further training on the role of a Member, and attachments to other parliaments. The management of the Lower House has sent a comprehensive list of short, medium and long term training that they see as priorities for the members of the lower house. The staff of the Secretariat will receive specialized training such as managing and supporting committee systems, budgets and finance, as well as participating in seminars and conferences. SEAL project is currently been amended to include two new areas of that have emerged as priorities, security and anti-corruption.

Partnerships with the Inter-parliamentary Union (IPU) and other institutions have been established to ensure specialized training. The next phase of the project needs to be appropriately developed with stakeholder consultation, and resource mobilization.

Objective

The objective of the Parliament Project Evaluation Mission is to conduct a review of the multi partner intervention in Parliament project, asses the impact of the capacity building programmes, assess funding prospects and produce an overall report on future direction of support to the Parliament for the coming two years.

Scope and Focus:

The mission will specifically focus on the following issues:

- ❖ An in depth review of implementation of various project components with a view to identifying the level of achievement of the original project outputs and in cases of not achieving, an analysis of the underlying reasons
- ❖ Assess the impact of the capacity building programmes conducted for both the Secretariat staff and Parliamentarians
- ❖ Extract the lessons learned and best practices that can be considered in the planning and design of future support activities for the parliament and recommendations for future direction and areas of focus for the next phase of project formulation to form the basis of a project development team later in 2006

The mission will be fielded in Kabul during the last two weeks of July 2006

The team in evaluating the projects should pay particular attention to the following criteria:

- ❖ Relevance: Evaluate the logics and unity of the process in planning and designing the activities for supporting the Secretariat of the Parliament for the first session of the parliament and providing subsequent capacity building programmes to both the secretariat staff and MPs;
- ❖ Efficiency: Evaluate the efficiency of the project implementation, the quality of the results achieved and the time/political constraints prior to the Parliament inauguration
- ❖ Effectiveness: Conduct an assessment of how assumptions have affected project achievements and the subsequent management decisions vis-à-vis the cost effectiveness; to which extent the project outputs have been effectively achieved
- ❖ Impact: Evaluate the impact of the project on its wider environment and its contribution to the wider sectoral objectives summarized in the projects' overall objectives.
- ❖ Sustainability: Assess the sustainability of results with specific focus on national capacity and ownership over the process.

Expected Products

The mission shall produce the following documents:

- a) A report on the findings of the mission vis-à-vis the impact of the current project outputs
- b) Recommendations on future support to the Parliament including lessons learned and best practices;

For the purposes of providing effective support to the parliament, the areas of focus in the current phase should be evaluated and areas of future support with modified emphasis on the components should be highlighted:

- ❖ Coordination and programming mechanism of support to the parliament to *continue* to be fully functional ;
- ❖ *Continued* building of the capacities of the members of the parliament and *more detailed and specialized* building of capacities of the administrative and technical staff;
- ❖ *Building upon* the legal environment work already done and further elaboration and *fine tuning* of the legal instruments;
- ❖ *Enhancing* the linkage and complementarities between physical infrastructures and information and communication technology (ICT) tools and *fully Operationalizing* the information services;
- ❖ *Sustained implementation* of public information and awareness strategy for parliament outreach to take off on its own momentum;
- ❖ Management Team to be fully operational throughout

The content of the concept paper on the next phase of support to the parliament (produced by Mr. Gopalan, Senior consultant with SEAL) can be used as a guiding note. The mission should also review the training proposal developed by Wolesi Jirga (the lower house) in order to provide the bases for formulating of next phase project document with appropriate focus on improved medium and long-term training and simultaneously boost service delivery over the coming 2 years.

The mission will also recommend a long-term human resources development plan for the secretariat that encompasses current needs and succession planning, spanning the next 2 years.

Evaluation process and Methods:

The mission will **review existing documentation with regard to the Parliament, including project document and periodic report, Afghanistan National Development Strategy, UNDP Country programme for 2006-2008** and other relevant documents); consult extensively with national authorities, UN personnel, strategic partners, relevant national and international organizations and individuals. The mission will also assess funding prospects, and proceed to assessing project implementation and

providing recommendation to revise all project components with a particular focus on:

- a) Priorities and activities, including strengthening of;
 - ❖ Oversight capacity, in particular with regard to budgeting and monitoring of budget execution, and executives performance
 - ❖ Legislative capacity, drafting and reviewing bills
 - ❖ Representative capacity, particularly the interaction with civil society, media and constituencies
 - ❖ Secretariat capacity
- b) Monitoring mechanisms.

In conducting the revision, the mission should consider the country context, including funding prospects and the parliament's cultural and socio-political dynamics. Gender mainstreaming, combating corruption and internal security arrangements should be also looked into.

Mission Composition and schedule

The team will have three members, a team leader, who will be a UNDP Policy Specialist, supported by two additional members who will be specialists in fields of relevance to parliamentary development in post-conflict countries one of whom will be a national consultant to ensure national prospective in conducting the evaluation and recommending the next direction to project activities. The main areas of expertise should be:

- a) Institutional strengthening of legislative, oversight (including budgetary oversight) and representative functions; and
- b) Legislative staff organizational structure and capacity development strategies.

The Mission Team Leader will guide and instruct mission members with regard to their roles and responsibilities. S/he will be responsible for assigning the team members for meetings with various stakeholders and writing up of the draft and final report.

The Mission will visit Kabul in the first two weeks of July 2006. UNDP CO/SEAL project and the Parliament Secretariat will inform stakeholders in advance of the mission and its purposes.

Prior to arrival in Kabul, the mission members will prepare by studying any documentation provided to them by UNDP Afghanistan and/or by the Team Leader.

For the first days of the first week in Kabul, the team will meet and consult with stakeholders in the sector. The Mission will review both verbal and written submissions from any relevant stakeholder.

SEAL Project will facilitate the work of the Mission before and during its stay in Kabul, including preparing a schedule of meetings with the stakeholders, and producing necessary background information for the revision process.

Schedule of activities:

- a) Information gathering and discussions – 15 – 25th July
- b) First draft report produced – 26 July
- c) Revision briefing (presentation of recommendations to relevant stakeholders) – 27-31 July
- d) Final Report produced – 31 July